

Inventors: Fergal John Mohan et al.  
 App. No.: Unassigned  
 Filed: Herewith

Atty Dkt. 74937/0269804  
 Client Ref: ST-003(u)

Title: **Convergence-Enabled DVD and WEB System**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(d) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am an official empowered to act on behalf of the small business concern identified below:

NAME OF CONCERN: Spruce Technologies, Inc.  
 ADDRESS OF CONCERN 10350 S. DeAnza Blvd., Suite 2A  
 Cupertino, CA 95014

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled as above and invented by LADABAUM, et al. described in the above-captioned specification.

If the rights held by the above-identified small business concern are not exclusive, each small entity, individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify under 37 CFR 1.9(c) as an independent inventor if that person had made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*Note: Separate verified statements are required from each person, concern or organization having rights to the invention, averring to small entity status (37 CFR 1.27).

FULL NAME of \_\_\_\_\_

\_\_\_\_\_  INDIVIDUAL  SMALL BUSINESS CONCERN  NONPROFIT ORGANIZATION \_\_\_\_\_

I acknowledge the duty to file, in this case, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF SIGNATORY: Rainer Brodersen  
 TITLE: Chief Technology Officer  
 ADDRESS: 1054 S. DeAnza Blvd., Suite 200  
 Cupertino, CA 95129

SIGNATURE Rainer Brodersen

DATE April 7, 2000

RULE 63 (37 C.F.R. 1.63)  
DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **Convergence-Enabled DVD and WEB System**, the specification of which is attached hereto, bearing Attorney Docket No. 74937/0269804

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which priority is claimed, or (2) if no priority claimed, before the filing date of this application:

PRIOR FOREIGN APPLICATION(S):  
Number    Country    Day/MONTH/Year Filed   

Date first Laid-open or Published

Date Patented or Granted

Priority Claimed?  
Yes  No

I hereby claim domestic priority benefit under 35 U.S.C. 119/120/365 of the indicated United States applications listed below and PCT international applications listed above or below and, if this is a continuation-in-part (CIP) application, insofar as the subject matter disclosed and claimed in this application is in addition to that disclosed in such prior applications, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of each such prior application and the national or PCT international filing date of this application:

PRIOR U.S. PROVISIONAL, NONPROVISIONAL AND/OR PCT APPLICATION(S):  
Application No.    Day/MONTH/Year Filed:    Status     
60/129,724 16/4/99 pending abandoned patented pending

Priority Claimed?  
Yes  No

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Madison & Sutro LLP, 1100 New York Avenue, N.W., Ninth Floor, East Tower, Washington, D.C. 20005-3918, telephone number (650) 233-4790 (to whom all communications are to be directed), and the below-named persons (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the results of patent, and I hereby authorize them to delete persons no longer with their firm and to act and rely on instructions from and communicate directly with the person/assignee who first sent this case to them and by whom I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above Firm and/or a below attorney in writing to the contrary.

Paul N. Kokulis	16773	Dale S. Lazar	28872	Timothy J. Klima	34852	W. Patrick Bengtsson	32456
Raymond F. Lippitt	17519	Glenn J. Perry	28458	Stephen C. Glazier	31361	Jack S. Barufka	37087
G. Lloyd Knight	17698	Kendrew H. Colton	30368	Paul F. McQuade	31542	Adam R. Hess	41835
Carl G. Love	18781	Paul E. White, Jr.	32011	Ruth N. Morduch	31044	William P. Atkins	38821
Kevin E. Joyce	20508	G. Paul Edgett	24238	Richard H. Zaiten	27248	Paul L. Sharer	36004
George M. Sirilla	18221	Lynn E. Eccleston	35861	Roger R. Wise	31204		
Donald J. Bird	25323	David A. Jakopin	32995	Jay M. Finkelstein	21082		
Peter W. Gowdey	25872	Mark G. Paulson	30793	Michael R. Dzwonczyk	36787		

## 1. INVENTOR'S SIGNATURE:

Inventor's Name: Fergal John Mohan  
Residence (City, State): Sunnyvale, California  
Post Office Address: 131 S. Mathilda Ave., Apt. B  
Sunnyvale, CA 94086

Date 04/07/00  
Country of Citizenship: Ireland

## 2. INVENTOR'S SIGNATURE:

Inventor's Name: Rainer Brodersen  
Residence (City, State): Santa Clara, California  
Post Office Address: 2373 Homestead Road  
Santa Clara, CA 95050

Date April 7, 2000  
Country of Citizenship: Germany

Rule 56(a) & (b) = 37 C.F.R. 1.56(a) & (b)  
**PATENT AND TRADEMARK CASES - RULES OF PRACTICE**  
**DUTY OF DISCLOSURE**

(a) ... Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the [Patent and Trademark] Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability... (b) information is material to patentability when it is not cumulative and (1) It also establishes by itself, or in combination with other information, a *prima facie* case of unpatentability of a claim or (2) refers, or is inconsistent with, a position the applicant takes in: (i) Opposing an argument of unpatentability relied on by the Office, or (ii) Asserting an argument of patentability.

**PATENT LAWS 35 U.S.C.**

**§102. Conditions for patentability; novelty and loss of right to patent**

A person shall be entitled to a patent unless--

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States, or
- (c) he has abandoned the invention, or
- (d) the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate filed more than twelve months\* before the filing of the application in the United States, or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or
- (f) he did not himself invent the subject matter sought to be patented, or
- (g) before the applicant's invention thereof the invention was made in this country by another who had not abandoned, suppressed, or concealed it. In determining priority of invention there shall be considered not only the respective dates of conception and reduction to practice of the invention, but also the reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

**§103. Condition for patentability; non-obvious subject matter**

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made. Subject matter developed by another person, which qualified as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

\* Six months for Design Applications (35 U.S.C. 172).